



U.S. Department of Justice

United States Attorney
Southern District of New York86 Chambers Street
New York, New York 10007

May 10, 2019

*Time is enlarged to
May 28, 2019 to seek
reconsideration
5-14-19
Alvin K. Hellerstein*

By ECF

The Honorable Alvin K. Hellerstein
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Brennan Center for Justice et al. v. U.S. Dep't of Justice et al.*, 17 Civ. 6335 (AKH)

Dear Judge Hellerstein:

This Office represents the seven defendant agencies and agency components in the above-referenced Freedom of Information Act matter. I write regarding the Court's April 30, 2019, Opinion and Order granting Plaintiff's motion for partial summary judgment. *See* Dkt. No. 99 at 13. That Opinion and Order "ordered defendants OMB and DHS to conduct their searches using the search terms employed by DOJ-OIP,"¹ *id.* at 9, and held that Defendants must "search the private email accounts of two [named] agency employees" and "ask relevant employees if they used private email accounts relating to the Commission's business and, if so, to produce the documents," *id.* at 9, 11.

Subsequent to the issuance of that decision, Defendants have been working diligently to determine the appropriate next steps and have consulted with Plaintiffs regarding same. For example, DHS and OMB are preparing to perform searches compliant with the Court's directive and are evaluating the most efficient ways to do so. At the same time, Defendants are still in the midst of deciding whether it is necessary to seek reconsideration (or other modification) of the Court's Opinion and Order. If so, Defendants would have only until May 14, 2019, to move for such relief. *See* S.D.N.Y. Local Civil Rule 6.3.

Thus, in an abundance of caution, Defendants respectfully request a 14-day extension of that deadline to May 28, 2019. This is Defendants' first request for an extension of the reconsideration motion deadline, and fifth request for a deadline extension of any kind; Defendants' four previous extension requests were granted. *See* Dkt. Nos. 21, 61, 63, 72. I have consulted with Plaintiffs, who do not consent to this request; Plaintiffs conditioned their consent on Defendants' agreement to certain proposed deadlines for production, to which Defendants

¹ That is, the Office of Management and Budget, Department of Homeland Security, and the Department of Justice's Office of Information Policy, respectively.

cannot assent at this time because they are not yet in a position to know what search and production timings will be feasible.

I thank the Court for its consideration of this request.

Respectfully submitted,

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Southern District of New York

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cc: Counsel for Plaintiffs (by ECF)